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Docket No.: 4600-0120PUS1
(PATENT)

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Susumu YAMAGUCHI et al.

Application No.: 10/578,254

Confirmation No.: 6745

Filed: May 4, 2006

Art Unit: Not Yet Assigned

For: BODY TASTE IMPROVER COMPRISING
LONG-CHAIN HIGHLY UNSATURATED
FATTY ACID AND/OR ESTER

Examiner: Not Yet Assigned

LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Under the provisions of MPEP § 2001.06(b), the Examiner is hereby advised of the following co-pending U.S. Application(s):

<u>Appl. No.</u>	<u>Publication No.</u>	<u>Filing Date</u>	<u>Group</u>
10/513,593	2006/0051484 A1	November 5, 2004	1761
10/578,223		May 4, 2006	Unknown

The subject matter contained in the above-listed co-pending U.S. application(s) may be deemed to relate to the present application, and thus may be material to the prosecution of this instant application.

☒ A copy of U.S. Patent Application No. 10/578,223 (specification, claims, and the drawings) or copies of the portion(s) of the application(s) which caused it(them) to be cited, including any claims directed to such portion(s) is attached hereto.

☒ U.S. Patent Application No. 10/513,593 (specification, claims, and the drawings) is available on the USPTO's Image File Wrapper. Therefore copies thereof need not be attached.

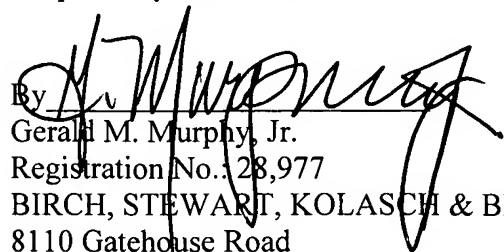
☐ The materials in the envelope are considered trade secrets and are being submitted for consideration under MPEP § 724.

The above-listed co-pending application(s) is(are) not to be construed as prior art. By bringing the above-listed application(s) to the attention of the Examiner, Applicant(s) do(does) NOT waive any confidentiality concerning the above-listed co-pending application(s) or this application. See MPEP § 101. Furthermore, if said application(s) should not mature into patents, such application(s) should be preserved in secrecy under the provisions of 35 U.S.C. § 122 and 37 C.F.R. § 1.14.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: SEP 19 2006

Respectfully submitted,


By Gerald M. Murphy, Jr.
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INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION BUT BEFORE FINAL
REJECTION OR NOTICE OF ALLOWANCE OR CONCURRENTLY WITH A RULE
1.114 RCE APPLICATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-SB08(s), attached hereto.

II. COPIES

☒ a. Copies of cited U.S. patents and patent application publications are not included.
Copies of foreign patent documents and non-patent literature are included.

☐ b. Some or all of the documents listed on the PTO-SB08 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

☐ c. REFERENCES PREVIOUSLY CITED OR SUBMITTED - Pursuant to 37 C.F.R. §1.98(d), consideration of information listed on the PTO-SB08 form(s) is requested since any patents, publications, or other information which are listed on the PTO-SB08 form(s) but for which copies are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Appl. No(s) and U.S. Filing Date

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

☐ a. DOCUMENTS IN THE ENGLISH LANGUAGE - The patents, publications, or other information listed on the attached PTO SB08 are in the English language and therefore, do not require a statement of relevancy.

☒ b. DOCUMENTS NOT IN THE ENGLISH LANGUAGE - **A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows: The Kato, Fragrance Journal, article was cited in the International Search Report that issued in connection with copending application No. 10/578,254.**

☐ c. ENGLISH LANGUAGE SEARCH REPORT - An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

☒ d. OTHER - **The following additional information is provided for the Examiner's consideration: English abstracts are provided for each non-English foreign references.**

IV. FEES (check one box)

☐ a. This Information Disclosure Statement is being filed concurrently with the filing of a new patent application; therefore, no fee is required.

☐ b. This Information Disclosure Statement is being filed concurrent with the filing of a continuation-in-part, continuation, or divisional patent application; therefore, no fee is required.

☐ c. This Information Disclosure Statement is being filed within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required.

☐ d. This Information Disclosure Statement is being filed within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.

☐ e. This Information Disclosure Statement is being filed concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.

☒ f. This Information Disclosure Statement is being filed before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account for the fee as required by 37 C.F.R. § 1.17(p).

☐ g. This Information Disclosure Statement is being filed before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

☐ No statement; therefore, a fee as required by 37 C.F.R. § 1.17(p) is attached.

or

☐ See the statement below. No fee is required.

V. STATEMENT UNDER 37 C.F.R. § 1.97(e)

(check only one box)

The undersigned hereby states that:

- ☐ a. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or
- ☐ b. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- ☐ c. No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- ☐ d. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VI. PAYMENT OF FEES (check one box)

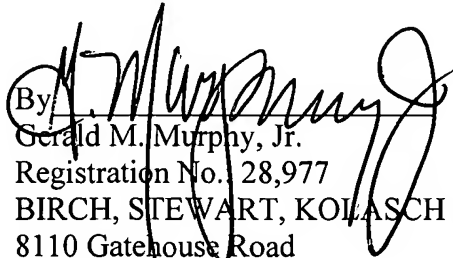
- ☐ The required fee is listed on the attached Fee Transmittal.
- ☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

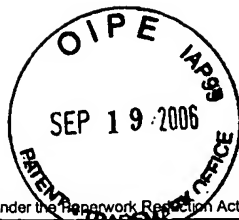
Dated: SEP 19 2006

Respectfully submitted,


By: Gerald M. Murphy, Jr.
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Attorney for Applicant

Attachment(s):

- ☒ PTO-SB08
☒ Documents
☐ Foreign Search Report
☐ Fee
☐ Other:



SEP 19 2006

PTO/SB/08a/b (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known			
		Application Number	10/578,254		
		Filing Date	May 4, 2006		
		First Named Inventor	Susumu YAMAGUCHI		
		Art Unit	Not Yet Assigned		
		Examiner Name	Not Yet Assigned		
Sheet	1	of	2	Attorney Docket Number	4600-0120PUS1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AB*	US-6,410,078-B1	06-25-2002	Cain et al.	
	AC*	US-6,034,130-A	03-07-2000	Wang et al.	
	AD*	US-2006/0073578-A1	04-06-2006	Higashiyama et al.	
	AE*	US-6,117,905-A	09-12-2000	Higashiyama et al.	
	AF*	US-5,120,412-A	06-09-1992	Mazur et al.	
	AG*	US-3,689,289	09-05-1972	Perret	
	AH*	US-5,783,247-A	07-21-1998	Van Der Heijden et al.	
	AI*	US-6,166,076-A	12-26-2000	Gilbertson	
	AJ	US-2006/0051484-A1	03-09-2006	Yamaguchi et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY			
	BD	EP-0 558 022-B1	09-01-1993			
	BE	JP-8-311485-A (w/abstract)	11-26-1996			
	BF	JP-10-99048-A (w/abstract)	04-21-1998			
	BG	JP-4-197134-A (w/abstract)	07-16-1992			
	BH	JP-9-13075-A (w/abstract)	01-14-1997			
	BI	JP-9-13076-A (w/abstract)	01-14-1997			
	BJ	JP-10-70992-A (w/abstract)	03-17-1998			
	BK	JP-10-191886-A (w/abstract)	07-28-1998			
	BL	JP-63-44843-A (w/abstract)	02-25-1988			
	BM	JP-6-172782-A (w/abstract)	06-21-1994			
	BN	JP-9-176679-A (w/abstract)	07-08-1997			
	BO	JP-9-263784-A (w/abstract)	10-07-1997			
	BP	JP-11-12592-A (w/abstract)	01-19-1999			
	BQ	JP-2001-78702-A (translation)	03-27-2001			
	BR	JP-3-220155-A (w/abstract)	09-27-1991			
	BS	WO-03/051139-A1	06-26-2003			
	BT	JP-2002-95439-A (w/abstract)	04-02-2002			√
	BU	JP-2001-226693-A (translation)	08-21-2001			
	BV	WO-01/10989-A1 (w/abstract)	02-15-2001			
	BW	JP-2001-40386-A (w/abstract)	02-13-2001			
	BX	EP-1 211 305-A1	06-05-2002			
	BY	WO-98/16119-A1 (w/abstract)	04-23-1998			
	BZ	EP-0 956 774-A1	11-17-1999			
	BA1	WO-95/01106	01-12-1995			
	BB1	JP-2001-346517-A (translation)	12-18-2001			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
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Birch, Stewart, Kolasch & Birch, LLP

GMM/las



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				First Named Inventor	Susumu YAMAGUCHI
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
				Attorney Docket Number	4600-0120PUS1
Sheet	2	of	2		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CB	R. L. WOLFF et al., Lipids, Vol. 34, No. 10, 1999, pp. 1083-1097, XP001015626 Champaign, IL US ISSN: 0024-4201	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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